HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:16128 OF 2007

Dated:30.07.2007

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Between:

V.V.V.Satya Subbarao

..Petitioner

And

1.General Manager, South Central Railway, Railway Nilayam, Secunderabad & others.

..Respondents.

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HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:16128 OF 2007

ORDER: (per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition is filed by the petitioner seeking to declare that the petitioner is entitled for promotion to the post of the Railway Station Master I Grade as per his qualifications, completion of training etc., with all consequential benefits from his department promotional examination and physical test and completion of the training in the year 1991 by holding the action of the respondents in not considering the genuine claim of the petitioner for promotion of Station Master-I Grade and not considering his representations dated 24.7.2006 as illegal.

The facts that led to the filing of this Writ petition, are that the petitioner was appointed as a Yardporter on 29.1.1979 and promoted as Pointman B in the year 1982 and again promoted as Pointsman A on 17.2.1987. During the course of A.S.M. selection, a panel was published with 12 names, but his name was omitted whereas his juniors were empanelled. While so, on a false complaint made by some of his colleagues, he was removed from service on 30.7.1991. On the appeal, he was reinstated into service from 1.1.1992 by reverting him as Pointman 'B'. One B. Venkateswarao, Station Master had filed a false criminal case before the Special Judicial First Class Magistrate for Railways at Nizamabad under section 324 IPC under C.C.No.4 of 1990 besides conducting disciplinary proceedings and that the criminal case against him was acquitted on 28.10.1992 and he was restored to his original position of Pointman. In spite of his requests for promotion as A.S.M., his case was not considered. Therefore, he has filed O.A.1327 of 1993 before the tribunal and the same was dismissed without observing the facts of the case as the respondent has submitted the remarks without giving a copy to him or to his counsel and misrepresented that he had got less than 60% marks. Therefore, his case may be considered as sought for in this

writ petition.

Heard the learned counsel.

Admittedly, the order in O.A.1327 of 1993, dated 30.12.1996 had not been challenged and thereby, it has become final. Apart from that, from the date of the said judgment till 24.7.2006 when he is said to have made his representations, the petitioner has kept quiet. Thus, the silence on the part of the petitioner leads to draw an adverse inference against the case of the petitioner in view of the disciplinary proceedings as well as the criminal proceedings and the order of the tribunal dated 30.12.1996. Therefore, We have no hesitation to hold that there are no bonafides on the part of the petitioner in approaching this Court at this length of time. Hence, We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No costs.

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Justice T. Meena Kumari

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Justice G. Chandraiah

Date: 30th July, 2007
Nn/Gurc.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:16128 OF 2007

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

30/07/2007